

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

CITIZENS BANK,	)	CASE NO. 1:08 CV 2174
	)	
Plaintiff,	)	JUDGE DONALD C. NUGENT
	)	
v.	)	MAGISTRATE JUDGE
	)	WILLIAM H. BAUGHMAN, JR.
CINEMA PARK L.L.C., <i>et al.</i> ,	)	
	)	
Defendants.	)	<b><u>REPORT AND RECOMMENDATION</u></b>

In this real property foreclosure action, the plaintiff and all defendants who have filed answers have consented to magistrate judge's jurisdiction.<sup>1</sup>

A number of defendants have defaulted. Notices of default as to those defendants have now issued. To conclude the case as to the defaulted defendants, plaintiff Citizens Bank has filed a motion for default judgment.<sup>2</sup> Defendant Lumberjack's, Inc. has filed a motion to default on its crossclaim/new-party complaint against defendants Rysar Properties, Inc. and Cinema Park, LLC and new-party defendant Kenneth J. Lurie.<sup>3</sup> On May 19, 2009, the Court held a hearing on those motions.<sup>4</sup>

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<sup>1</sup> ECF #s 87, 146, 147, 148, 149, 150.

<sup>2</sup> ECF # 153.

<sup>3</sup> ECF # 161.

<sup>4</sup> ECF # 165.

On consideration whereof, I hereby recommend that the pending motions for default judgment be granted and that the Court enter judgment on Citizens' motion in the form set forth in Attachment A and on Lumberjack's motion in the form set forth in Attachment B.

With the entry of these judgments, the Magistrate Judge will exercise consent jurisdiction over the remaining claims and parties.

Dated: August 6, 2009

s/ William H. Baughman, Jr.  
United States Magistrate Judge

### **Objections**

Any objections to this Report and Recommendation must be filed with the Clerk of Courts within ten (10) days of receipt of this notice. Failure to file objections within the specified time waives the right to appeal the District Court's order.<sup>5</sup>

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<sup>5</sup> See, *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). See also, *Thomas v. Arn*, 474 U.S. 140 (1985), *reh'g denied*, 474 U.S. 1111 (1986).